
BZA-1834
EXPLORATION ACRES, INC.
Special Exception

STAFF REPORT
September 22, 2011

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REQUEST MADE, PROPOSED USE, LOCATION:

Petitioner, with consent from owners and represented by attorney Joseph Bumbleburg, is requesting an expansion of a previously approved special exception (BZA-1759) to permit additional activities at an agri-tourism business (SIC 7999 Amusement and recreational activities, not elsewhere classified – outdoor) called Exploration Acres. The operating hours will remain the same as the original approval: Monday through Thursday 8:00 am to 10:00 pm, Friday and Saturday 10:00 am to 12:00 am, Sunday 10:00 am to 10:00 pm, and until 2:00 am on weekends when there is a full moon. While the bulk of the business occurs in August, September and October, Exploration Acres is open year round. This site is located on approximately 180 acres at 5918 Newcastle Road, Sheffield 28 (NW) and 21 (SW) and Richardville Reserve (south ½) 22-3.

AREA ZONING PATTERNS:

This property is zoned A, Agricultural, as is all surrounding land. Land further southeast across I-65 is AW, Agricultural Wooded and FP, Floodplain.

AREA LAND USE PATTERNS:

Originally approved in 2008, Exploration Acres is an agri-tourism destination which includes a corn maze, concessions area, picnic area, kids' activity area, a country store, grain bins and several out buildings (BZA-1759). The old farm house on site is now used as a caretaker's residence. Petitioner also has a large grass/gravel parking lot and a wooded area with trails and fire pits. The area surrounding petitioner's site is in row crop production.

TRAFFIC AND TRANSPORTATION:

The site is located along Newcastle Road, a two-lane rural local road. Traffic counts taken in 2009 shows 223 vehicles pass this site daily; however, this count was most likely taken during Exploration Acres' offseason. According to petitioner, the attendance in 2010 was 31,000 customers. The County Highway Department, in a conversation with staff, indicated that it has no concerns or issues with traffic on Newcastle Road. In fact, the Wyandotte/Newcastle Road intersection north of the site was recently improved with a 4-way stop.

The submitted site plan shows a parking area with 709 vehicle spaces and room for 12 RVs and buses. Because this land is zoned Agricultural, paved parking is not required. The site plan and site visit indicate the maneuvering aisles are in gravel with grass

parking pads.

ENVIRONMENTAL AND UTILITY CONSIDERATIONS:

The house onsite is served by a septic and well; portable restrooms are available to customers visiting the business. The site plan shows room for an additional septic field when public restrooms are added in the future. This commercial septic system will require approval from the Indiana State Board of Health.

STAFF COMMENTS:

Exploration Acres, since its opening in 2008, has become hugely successful. According to petitioner, attendance jumped from 14,000 in 2008 to 31,000 in 2010 and over 40,000 visitors are anticipated this year. Exploration Acres is an “agri-tainment” or “agri-tourism venue”, for both entertainment and educational purposes evidenced by school field trips and day outings.

As the business grows, petitioner would like to include more activities and attractions not included or envisioned in the 2008 special exception approval. Petitioner’s immediate plans are to add a wooden sluice gem mine; staff advised petitioner earlier this summer that this addition would require an expansion of the previous special exception. Other changes to the special exception and site plan include:

- a list of additional activities;
- changes to the parking areas including consolidating lots to the south side of the farm and a new, enlarged parking lot accommodating over 700 vehicles on the east side of the operation;
- RV and bus parking; and
- Three small picnic style shelters.

The petition states “The attached list to this report is made up of activities which are generally characterized as types of agri-business, many of which are identified in SIC 01 and SIC 7999. All uses are considered accessory uses to the primary use of corn maze and pumpkin patch, which are farm type operations, farm education and recreation related to farming. The list is not intended to be all inclusive but illustrative of uses common to agri-business.”

The list of permitted activities submitted with the petition ranges from science and technology displays to bee-keeping demonstrations, farm heritage displays and antique tractor shows (see list attached to staff report). The operation may also host seasonal events and competitions, such as barbeque rib festivals, sweet corn festivals, blue grass festivals, car and truck shows, hot air balloon launches and charity run/walks. This list also includes items currently implemented as well as future events Exploration Acres may wish to include. Many of the items listed are not uses that would require approval from the Board, such as storytelling and agricultural activities, while other uses, such as rental of the barn, are simply **not** permitted by special exception or by right in the Agricultural zone. Petitioner may rent the barns for event space only if it is accessory to the primary use, Exploration Acres. In other words, customers who pay admission at the main gate may rent the barn, but one would not be permitted to use

the barn without being a customer of Exploration Acres.

Some of the uses shown on petitioner's list are only allowed by special exception in the A zone. The granting of this special exception for the broader category, "amusement & recreational activities – outdoor" would allow operation of the following specific uses requiring special exceptions, all under the umbrella of Exploration Acres:

- Jumping pillow, Bounce house, Inflatable slide (Under SIC 7999 trampoline operations);
- Farm animal petting zoo (found under SIC 7999 animal shows – carnival);
- Picnics; (under SIC 7999 picnic grounds operation);
- Farm animal miniature golf (SIC 7999 golf courses, miniature);
- Outdoor laser tag; and
- Outdoor paint ball (Laser tag and paint ball are not specifically listed in SIC 7999, but require a special exception in the A zone under a precedent set by previous BZA action).

If in the future petitioner wishes to add another use or activity not on the submitted list, that requires a special exception, then a new special exception will be required.

As stated with the first special exception, petitioner will continue to consult with the Sheffield Township Volunteer Fire Department to develop an emergency preparedness plan for the maze and activity area. Additionally, the petition states "we are aware that our agri-tourism venture is in a rural setting and we do not want to disrupt that environment. We want to blend into the surroundings and operate an agri-business that is sensitive to its neighbors".

Some of the uses proposed by petitioner have the potential to create excessive noise not common to rural areas. The petition mentions potential noise generators include country bands and a "PA" public address system. Typically, staff would be concerned that adjacent property owners might be negatively impacted by noise. However, because the nearest residence is nearly ½ mile away, there is not an immediate concern, though a recorded commitment could be required limiting hours on all excessive noise producing activities and events.

Staff recognizes the need for revisions to the zoning ordinance regarding agri-tourism as other property owners have approached staff with similar ideas. Rental of barns and other agricultural structures seems to be becoming a more popular idea, particularly for weddings, retreats and other gatherings; currently the UZO requires commercial zoning for catering and rental halls. In the upcoming months staff and Ordinance Committee will be looking into this issue.

At its meeting on September 7, 2011 the Executive Committee of the Area Plan Commission voted that granting this request would not substantially adversely affect the Comprehensive Plan.

Regarding the ballot items:

1. Section 3.1 of the Unified Zoning Ordinance **DOES** authorize a special exception for this use (SIC 7999) in this zoning district.

And it is staff's opinion that:

2. The requirements and development standards for the requested use as prescribed by the Unified Zoning Ordinance **WILL** be met. There are no additional standards for this specific use. The parking requirement is determined by the Administrative Officer and can easily be met on these 180 acres. In fact, the parking lot will be expanded to accommodate over 700 vehicles with space for 12 RV/buses. If more parking is needed, sufficient land exists for overflow parking.
3. Granting the special exception **WILL NOT** subvert the general purposes served by the Ordinance. The permitted activities on the attached list are all allowed in the Agricultural zone by right or with a special exception.
4. In its three years of operation, neither staff nor the County Building Commission has received any complaints; therefore, granting the special exception **WILL NOT** materially and permanently injure other property or uses in the same district and vicinity because of:
 - a. Traffic generation: Newcastle Road is a paved 2-lane road and is capable of handling this amount of traffic, which mainly consists of passenger vehicles. A conversation with the County Highway Department revealed there have been neither complaints nor an increase in accidents on Newcastle. A four-way stop has recently been installed north of petitioner's site at the Newcastle/Wyandotte intersection creating a safer environment for the public.
 - b. Placement of outdoor lighting: Mercury vapor lights with dusk to dawn sensors will be added to the parking lot and 100-watt compact fluorescent lights will illuminate the activity areas. These types of lights are typical to the rural area. Paths in the wooded area are illuminated by LED strand lights hung above the paths. All outdoor lighting will be aimed at the ground to minimize sky illumination.
 - c. Noise production: The petition states that the main source of noise will come from tractors used for hayrides and transportation as well as possible country bands and speaker system for information and emergency instructions. If there is a concern regarding excessive noise from proposed activities, a commitment could be recorded to protect nearby residences.
 - d. Hours of operation: Monday through Thursday 8:00am – 10:00pm, Friday and Saturday 10:00am – 12:00am and Sunday 10:00am – 10:00pm, and open until 2:00am when there is a full moon. Because the nearest residence is located over 2000' away, these hours will not be intrusive.

STAFF RECOMMENDATION:

Approval with the following recorded commitment:

1. If any future use or activity is not included as part of this petition, it is allowable at the discretion of the Administrative Officer. If the use or activity

specifically falls under SIC 7999 and is not included on petitioner's submitted list of uses, then a new special exception for that use will be needed.

Note: A special exception approval ceases to be valid if the use is not established within one year of the date that the special exception was granted.

✓ = uses specifically listed under SIC 7999

LIST OF POSSIBLE ACTIVITIES

- Corn Cannon
- Corn Maze (Size may vary as well as location due to crop rotation)
- Pumpkin Patch (Size may vary as well as location due to crop rotation)
- Pumpkin Painting / Decorating
- Pumpkin Gun
- Pumpkin Cannon
- Pumpkin Slingshot
- Pumpkin Trebuchet
- Shelled Corn Box
- Straw Mound
- Straw Tunnel
- Straw Maze
- Hayrides
- Cow Train
- Tractor Train
- Walking Trails
- Haunted Barn
- Haunted Maze
- Haunted Hayrides
- ✓ Jumping Pillow (trampoline operation)
- Slide Tube
- Underground tunnel
- Kids Karaoke
- Pig Races
- ✓ Outdoor Paint Ball
- ✓ Outdoor Laser Tag
- ✓ Farm Animal Petting Zoo (animal shows...in carnivals)
- Fire pits
- ✓ Picnics (picnic grounds operation)
- Playground Equipment
- Gem Mine
- Pony Rides
- Cow Pasture Bingo
- Cow Pie Toss
- Zip Line
- ✓ Bounce House (trampoline operation)
- ✓ Inflatable Slide (trampoline operation)
- Frisbee Golf Course
- Rock Climbing
- Scavenger Hunts
- Geo Caching
- Shelled Corn Play Box
- Story Telling

- Pedal Car Track
- Tricycle Track
- Duck Races
- Bag Races
- Tug of War
- Sandbox
- Corn Hole Games
- Washoe Game
- Tire Mountain
- Pedal Tractor Pull
- ✓ Farm Animal Miniature Golf (golf courses, miniature)
- Soybean Maze

SPECIAL GROUP ACTIVITIES

- Bird watching
- Wildlife viewing
- Photography
- Painting
- Master Gardener, Work Day
- Working Farm Stays
- Boys Scout Outing
- Girl Scout Outing

EVENT SPACE ACCESSORY TO EXPLORATION ACRES

- Birthday Parties
- Corporate Retreats
- Family Reunions
- Receptions (Anniversaries, Weddings, Special Occasions)
- Class Reunions
- Political Fundraisers

SEASONAL EVENTS (1 or 2 day events)

- Antique Tractor show
- Antique Tractor Plow Day
- Car and Truck Show
- Bicycle Show
- Cross Country Run
- Charity Run or Walk
- Remote Control Airplanes
- Hot Air Balloon Launch
- Christmas in the Barn
- Small Animal Clinic
- CPR Certification

SEASONAL FESTIVALS (1 per season: Spring, Summer, Fall and Winter)

Maple Syrup Festival

Bluegrass Festival

Barbeque Festival

Pumpkin Chunk' in (Trebuchet and cannon contest)

Sweet Corn Festival

EDUCATIONAL

School Field Trips

Farm Tours

Daytime Youth Camps (No overnight stays)

Boy Scout Camping (In woods around fire pits)

Classes and Demonstrations

Modern Agriculture Education Center

Farm Heritage Display / Museum

Exhibit Trailers (on tour)

Bee Keeping Demonstration

Science and Technology Displays

Horticulture Garden

Slow Foods

**POTENTIAL USES THAT ARE ACCESSORY TO FARM USE
(ALLOWED IN AGRICULTURAL ZONE BY RIGHT)**

Christmas Trees Precut

Christmas Trees U-Cut

U-Pick Vegetables and Fruit

U-Pick Orchard

Community Supported Agriculture (CSA)

Farm Grown Vegetable Market

Organic Gardens

Flower Gardens

Roadside Market

FOOD (AS PREVIOUSLY APPROVED IN BZA-1759)

Concession Trailers (Licensed Vendor)

Kettle Corn (Licensed Vendor)

Shaved Ice (Licensed Vendor)

Ice Cream (Licensed Vendor)

Sweet Corn on Cobb (Licensed Vendor)

Country Store Prepackaged Foods

Country Store Microwave Food

POSSIBLE NEW BUILDINGS

Pole Barn: 40' x 50'

Pole Barn: 60' x 100'

Admission Building 20' x 40'

Crop Tunnel (Organic and or Hydroponics)

Greenhouse

Tents

Shelter

Gazebo

Restroom Building (Location TBD due to location of septic field)

OTHER POSSIBLE CONSTRUCTION

Septic Field (Commercial, Constructed Wetland, Primary w/ Secondary Septic Field)

Maze Observation Tower

POSSIBLE RENOVATION/ REUSE OF EXISTING or DEMOLITION

(See Site Plans)

Conversion of Grain Bin(s) to Restrooms

Conversion of Grain Bin(s) to Concessions

Remodel Barn (D) North Lean-to for Public Restrooms and Small Kitchen

Remodel Buildings (A) & (B) for Public Use (Offices, Restrooms, Education, Retail)

Demolish Buildings (A) & (B) Replace with New Building at Same Location

Demolish Quonset Building (F) Replace with New Building at Same Location

Demolish Pole Barn (E) Replace with New Building at Same Location

Remodel Farmhouse (F)

Demolish Farmhouse (F) Replace with New Building at Same Location